

Edward D. Fagan

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MEMO ENDORSED

Tuesday September 28, 2010

Via Fax # (212) 805-7930

Hon. John C. Francis IV USMJ
United States District Court
Southern District of New York
500 Pearl Street, Chambers
New York, NY 10007

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Re: Fagan et al v Republic of Austria et al 08-cv-6715 (LTS)(JCF)

Hon. Judge Francis:

I am a pro se Plaintiff in the above referenced matter.

As a follow up to my letter from yesterday (*see attached*), I write to inform the Court that, for its own scheduling reasons, Defendant Osterreichische Elektrizitätswirtschaft AG (OE) has consented to the requested extension related to Plaintiffs' Response to the Motions to Dismiss (the 2nd Amended Complaint of Plaintiffs Fagan and Lowy) filed by Defendants by Gletscherbahnen Kaprun AG (GBK), Generali Versicherung AG (Generali) and Osterreichische Elektrizitätswirtschaft AG (OE). (*See attached email exchange with Joseph Strauss Esq.*).

However, Defendant OE requests that its reply date be November 23, 2010.

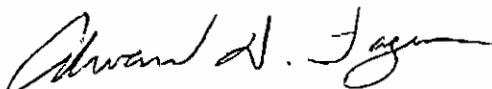
Therefore, on behalf of Mr. Lowy and myself, I respectfully request that the Court adjust the briefing schedule (Doc. # 123) related to these Motions to Dismiss to provide the following:

October 25, 2010 - Plaintiffs Fagan & Lowy response due

November 23, 2010 - Defendants' GBK, Generali and OE reply due

As always, thank you for Your Honor's courtesy and consideration in this regard.

Respectfully submitted,



Edward D. Fagan

Attachments (3 pages)

Cc: Hon. Laura Taylor Swain USDJ
Robert M. Weiner Esq. - Via Fax # (212) 547-5444
Michael Huttenlocher Esq. - Via Fax # (212) 547-5444
Joseph Strauss Esq. - Via Fax # (212) 806-5400
James F. Lowy Esq. - Via Fax # (813) 282-0384

10/1/10
Application granted.
SO ORDERED.
James C. Francis IV
USMJ